
Appeal Decision

Site visit made on 25 August 2020

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2020

Appeal Ref: APP/C1570/D/20/3252818

Halcyon, High Street, Debden, Saffron Walden CB11 3LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Simmons against the decision of Uttlesford District Council.
 - The application Ref UTT/20/0664/HHF, dated 11 March 2020, was refused by notice dated 30 April 2020.
 - The development proposed is erection of detached two bay garage.
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Decision

1. The appeal is allowed and planning permission is granted for detached two bay garage at Halcyon, High Street, Debden, Saffron Walden CB11 3LE in accordance with the terms of the application, Ref UTT/20/664/HHF, dated 11 March 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Other than as required by condition 3), the development hereby permitted shall be carried out in accordance with the following approved plan: HS:02
 - 3) Prior to the commencement of the development hereby approved details of the materials to be used in the construction of the building shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Main Issues

2. The main issues in this case are the effect of the development on:
 - The character and appearance of the area, including the setting of the neighbouring listed building; and
 - The living conditions of neighbouring residents, with particular regard to outlook.

Reasons

Character and appearance

3. The appeal relates to the grounds of a detached two storey dwelling known as Halcyon. The house is set well back from the road behind mature trees and hedgerows. Though used for parking and turning, the space to the front of the

dwelling also contains other garden shrubbery. This creates an open and verdant character. The development would be located well forward of the dwelling but set back from the road behind a grass verge, which also contains mature trees, and an electricity substation. It would be close to the common boundary with The Forge, which is a Grade II listed building. The development would be in line with the neighbouring garage and would not project beyond the established front building line of The Forge.

4. An earlier proposal for a detached garage was recently dismissed on appeal¹. While I am not bound by this decision, I have had regard to it. However, a number of changes have been made to the proposal which seek to address the concerns raised. In particular, the living area in the roof space has been removed. This has facilitated a reduction in the overall height of the building and the removal of the proposed dormer windows. The earlier proposal was for a three bay garage. The removal of one of the bays has also resulted in a substantial reduction in the overall footprint and volume of the proposed building. Therefore, this is a materially different proposal to that which was considered previously.
5. The Council's officer report acknowledges that the revised proposal is of a more appropriate scale and size for a building in this position. However, concerns are still raised about the siting of the garage nearer to the roadside. Although the garage would be sited near to the front boundary of the property, it would still be set relatively far back from the pavement. There is a wide grass verge, populated with two protected and mature trees, a small hedgerow, a small gap and then a larger bank of vegetation. The garage would also be set behind the substation. While it may still be visible from the roadside, particularly when trees are not in-leaf, there would still be a reasonable degree of screening available that would help soften the visual impact of the building. The reduced height and depth of the garage would also ensure that it would be less prominent than the previous proposal.
6. There is also already a high degree of variation in the building line of properties along the street. Indeed, the garage would be set further back from the road than The Forge. There are also examples of buildings in the vicinity of the site where dwellings are much nearer to the pavement. Although the garage would be set well to the front of the host dwelling, I see no reason why some built form nearer to the front of the site should be harmful or incongruous in principle.
7. The previous Inspector concluded that the proposal would be incongruous given the lack of structures of a similar height along the frontage. Although the garage would still be taller than the outbuildings in gardens either side of the site, it would now be of a more domestic and subservient scale. In this respect, it would neither be unduly prominent or domineering. I therefore consider that the development has satisfied these concerns. I have noted my colleague's comments on the effect of existing outbuildings on the character of the area. However, they remain part of the established character of the street. Based on my own observations, the development would not appear incongruous in this context. Moreover, the scale of the garage, its position within the site and the degree of screening available means that it would not cause or exacerbate any harm to the character or appearance of the area.

¹ Appeal reference: APP/C1570/D/19/3241486

8. From a design perspective, the Council's Conservation Officer raised concerns over the use of a half-hipped roof profile. However, there are a variety of roof profiles in the area with no particular dominant style. This includes examples of half-hipped and hipped roofs. This would not be a discordant feature. It would also have the advantage of reducing the bulk of the building. The approach to the design of the roof would not result in any harm to the appearance of the area.
9. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The Forge forms one of a number of similar traditional thatched roof cottages in the street scene. These are interspersed with dwellings of different scales, designs and ages. I concur with my colleague in that the significance of the building lies in its architectural and vernacular quality. It also complements the other examples of similar housing in the immediate area. There is no evidence before me which suggests the front garden of Halcyon has any historical or functional connection to The Forge.
10. The previous Inspector's concerns related to the impact of the overall height, scale and massing of the proposal and that it would visually encroach upon the setting of The Forge. It was also concluded that this would divert attention toward the modern buildings and away from the traditional architecture.
11. In my view, the changes to the proposal are sufficient to address these concerns. The reduced height and depth of the building ensure that it would not be an unduly dominant feature in the street scene. As a result, the garage would not be of a scale that would affect how The Forge, or any other listed building, would be appreciated. It is also unlikely that the building would draw attention away from the traditional dwellings in the street or overly emphasise the more modern housing. The garage would simply appear as an unobtrusive domestic outbuilding within a residential area. This character, including the variety of house types and ages, already constitutes the setting of The Forge. The garage as proposed would not alter this to any material or detrimental degree. As such, it would have a neutral impact on the character, appearance and significance of the Listed Building.
12. In conclusion on this matter, I therefore find that the development would result in no harm to the character and appearance of the area, including the setting of any nearby heritage asset. Accordingly, there would be no conflict with Uttlesford Local Plan (ULP)(2005) policies S3 and GEN2 which seek, amongst other things, to ensure development reflects a settlement's character and is compatible with the scale, form, layout and appearance of the area. There would also be no conflict with Policy ENV2 which seeks to ensure the settings of Listed Buildings are not harmed. Furthermore, there would be no conflict with paragraphs 127 or 193 of the National Planning Policy Framework (the Framework). These seek to ensure development is sympathetic to local character and that great weight should be given to a heritage asset's conservation. As there would be no harm to the significance of the Listed Building, there is no requirement to carry out the balancing exercise set out in paragraph 195 of the Framework.

Living conditions

13. Both the height and footprint of the proposal have been reduced from the previous proposal. The outcome of this is that the building would no longer project substantially beyond the rear building line of the neighbouring garage. Thus, it would not be as prominent a structure when viewed from the neighbouring garden as the earlier proposal might have been.
14. It is likely that the roofline of the garage would still be visible from the garden of The Forge to some extent, particularly if some of the dense boundary landscaping is removed. Nevertheless, being able to see a building does not necessarily equate to it being harmful. Although near to the common boundary, the garage would sit beside the garage of The Forge, would not extend along any 'open' part of the neighbouring garden and not be of a height that would be unduly intrusive. It is therefore highly unlikely that the development would have any particular impact on the ability of neighbours to enjoy their garden. The siting of the garage and its relationship with The Forge also ensures there would be no impact on habitable rooms. I am satisfied that the changes to the proposal have addressed the concerns raised by the previous Inspector.
15. The development would therefore not lead to any harm to the living conditions of neighbours. Accordingly, there would be no conflict with Policy GEN2 of the ULP which seeks, amongst other things, to ensure development does not have a materially adverse effect on the reasonable occupation and enjoyment of a residential property. There would also be no conflict with paragraph 127 of the Framework, which includes an expectation that development will result in good standards of amenity for existing users.

Conditions

16. I have considered the suggested conditions from the Council in accordance with the Planning Practice Guidance (PPG). In addition to the standard condition which limits the lifespan of the planning permission, I have imposed a condition specifying the relevant drawing as this provides certainty.
17. The Council suggested conditions requiring materials to match those of the existing dwelling *and* that there should be a condition requiring approval of the materials. These clearly contradict each other and imposing both would not be appropriate. In light of the proximity of the site to the listed building, I consider it appropriate and necessary for the materials to be approved. This will ensure there would no undue impact on the setting of The Forge. By necessity, this must be a pre-commencement condition to ensure the development is carried out in accordance with the approved details. The appellant was given the opportunity to comment on this condition. However, no comments were received within 10 working days and thus under Regulation 2(1)(b) of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 consent is deemed to have been given.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR